

UNITED STATES DISTRICT COURT DISTRICT OF ARIZONA

HOW TO CALCULATE TIME FOR FILING DOCUMENTS*

Authority: Rule 6 and 5(b) of Federal Rules of Civil Procedure

Under Rule 6(a), the first day from which the time period begins to run is never counted in the calculation, but the last day is counted, unless the last day falls on a Saturday, Sunday, or official federal holiday, in which case the period runs until the next business day. Intermediate weekends and holidays are not counted if the period of time is less than 11 days. If the period of time is more than 10 days, intermediate weekends and holidays are counted.

Under Rule 5(b), when a document (other than an original complaint) is served by mail, the time period begins to run from the date the document is sent, not the date you receive it. The date the document was sent will appear on the certificate of service which is required to be sent with the document as provided in Rule 5(d). Under Rule 6(e), 3 additional calendar days are added to the period if the document is served by mail. Refer to Rule 4 for more information on when service by mail is allowed.

Example 1: Plaintiff has 10 days to respond to Defendant's Motion which was **hand delivered** on Friday, January 25, 2002. Calculations begin on January 28th, the day after service. Since the deadline is 10 days or less weekends are not counted. The Response would be due no later than Friday, February 8, 2002.

Example 2: Plaintiff has 10 days to respond to Defendant's Motion which was **mailed** to Plaintiff. Three additional days are added to the Example 1 calculations because the motion was mailed (see Rule 5(b)). The Response by Plaintiff would be due on Monday, February 11th. Note: The weekend days were included in the three day extension since the total time period now exceeds 10 days.

Example 3: Defendant has 20 days to answer or otherwise respond to Plaintiff's complaint which was served on Friday, January 18, 2002. The calculation starts on Saturday, January 19. Weekends and holidays are counted since the time period exceeds 10 days. The Answer would be due no later than Thursday, February 7, 2002.

We hope that you find the above information helpful.

U.S. District Court Customer Services Staff.

**Court Personnel are not permitted to evaluate your case or to offer any sort of advice on how to proceed with your case. We can, however, provide you general information about court rules and procedures. The information above is intended to assist you in calculating the time for filing certain types of documents as required by court order, or by federal or local rules. We cannot perform the calculation for you, nor are we able to make a determination as to whether or not you are calculating the time correctly.*